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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**

B5

FILE:

Office: TEXAS SERVICE CENTER

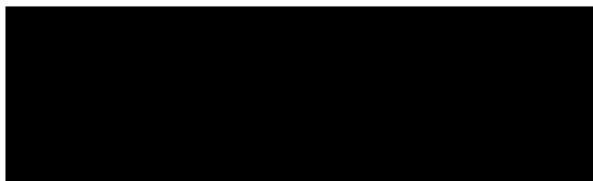
Date: **AUG 23 2010**

IN RE:

Petitioner:
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office (AAO) in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

DISCUSSION: The immigrant visa petition was denied by the director, Texas Service Center. The matter is now before the AAO on appeal. On August 3, 2010, the petitioner, through counsel, requested that the appeal and the petition be withdrawn. The withdrawal may not be retracted. 8 C.F.R. § 103.2(b)(6). Further, the regulation at 8 C.F.R. § 103.2(b)(6) indicates that a petition may not be withdrawn once a decision is issued by U.S. Citizenship and Immigration Services. Notwithstanding this provision, even if the grounds of ineligibility in this matter were to be overcome on appeal, the petitioner's request to withdraw the petition now renders it subject to automatic revocation without prior notice. *See* 8 C.F.R. § 205.1(a)(3)(iii)(C). Therefore, as the request to withdraw the original petition was received before the issuance of the AAO's

decision in this matter, the issues in this proceeding are now moot, and the appeal may be dismissed on this additional basis.

ORDER: The appeal is dismissed based on its withdrawal by the petitioner.



Perry Rhew
Chief, Administrative Appeals Office